(MR. SPEAKER.)

(2) (*a*) Subject to the provisions of clause (*b*), in respect of any suit instituted on or after the 31st day of March 1953, and,

(i) pending at the commencement of this Act, the provisions of section 24 of the principal Act as amended by sub-section (1), shall be applicable as if the said section as amended was in force at the time when such suit was instituted;

(ii) dismissed before the commencement of this Act, merely on the ground that it was not instituted within the prescribed period of limitation but which would not have been so dismissed if section 24 of the principal Act as amended by sub-section (1) was in force on the date of such institution, the court shall, on the application of the plaintiff made within a period of thirty days from such commencement and after notice to the defendant, make an order setting aside the dismissal and thereupon the provision of section 24 of the principal Act as amended by sub-section (1) shall be applicable to such suit as if the said section as amended was in force at the time when such suit was instituted.

(*b*) (i) If in any suit to which the provisions of clause (*a*) are applicable, the defendant deposits into court the costs of the plaintiff in the suit and makes an application to the court within a period of thirty days from the commencement of this Act or from the date of the order setting aside the dismissal of the suit, as the case may be, for ordering the return of the plaint, the court shall make an order returning the plaint to the plaintiff, and for payment to him of the amount deposited by the defendant.

(ii) The return of the plaint under sub-clause (i) shall not prevent the institution of a fresh suit within the period of limitation specified in Section 24 as amended by sub-section (1)".

The motion was adopted.

Mr. SPEAKER.—The question is:

"That clause 4, as amended, stand part of the Bill".

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Mr. SPEAKER.—Clause 1. The question is:

"That clause 1 stand part of the Bill".

The motion was adopted.

Clause 1 was added to the Bill.

Mr. SPEAKER.—Title and Preamble. The question is:

"That the Title and the Preamble stand part of the Bill".

The motion was adopted.

The Title and the Preamble were added to the Bill.

Motion to pass.

Sri A. G. RAMACHANDRA RAO.—Sir, I move:

"That the Mysore Agriculturists' Relief (Amendment) Bill, 1953, as amended, be passed".

Mr. SPEAKER.—The question is:

"That the Mysore Agriculturists' Relief (Amendment) Bill, 1953, as amended, be passed".

The motion was adopted.

THE MYSORE GENERAL CLAUSES (AMENDMENT) BILL, 1953.

Motion to consider.

Sri A. G. RAMACHANDRA RAO (Minister for Law and Education).—Sir, I move:

"That the Mysore General Clauses (Amendment) Bill, 1953,

as passed by the Legislative Council, be taken into consideration."

Sir, much comment is not necessary. The General Clauses Act of Mysore has got to be supplemented with the Indian General Clauses Act. Just to make that formal amendment, this Bill has been brought forward. Incidentally advantage has been taken of some definitions available in Madras State and they have also been included in this amendment Bill. I submit that the Bill be taken into consideration.

Mr. SPEAKER.—Motion moved :

"That the Mysore General Clauses (Amendment) Bill, 1953, as passed by the Legislative Council, be taken into consideration."

Sri M. V. RAMA RAO (Tumkur).—Sir, may I request the Hon'ble Minister to throw a little more light upon the provisions of this Bill which has been brought forward than what is seen from a perusal of the Statement of the Objects and Reasons ?

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Sri A. G. RAMACHANDRA RAO.—I will have to go through the entire Act. If you raise any specific point, I will answer. I believe the Statement of Objects and Reasons will give the Hon'ble Members of the House sufficient information. If any further information on a specific point is needed, I will be glad to furnish the same.

Sri M. V. RAMA RAO.—I am afraid I must confess I have not read the Bill. I was really looking forward to an exposition of the necessity for making these amendments in the Mysore General Clauses Act. I should have thought that the General Clauses Act as it is enacted by the Union Government and which is law elsewhere, might have been allowed to remain applicable to Mysore also. It is not clear to me as to why we should have a separate Mysore General Clauses Act. The Statement of Objects and Reasons says :

"With the commencement of the Constitution of India on 26th January, 1950, it has become necessary to make certain amendments in the Mysore General Clauses Act to bring it into conformity with the provisions of the Constitution. This Bill has accordingly been brought forward...."

My point is that we might as well go by the General Clauses Act as it applies elsewhere. Why should we continue to have a separate Mysore General Clauses Act and then put ourselves to the trouble of making all these innumerable amendments here and there ; why not we do away with it altogether more especially because, with the coming into operation of the Part-B States Application of Laws Act which was passed by Parliament more than a year ago, most of the enactments which have been passed by the Central Legislature before the Constitution came into force and naturally enactments passed subsequent to the Constitution having come into force, are applicable to Part-B States just as they are applicable to Part-A States ? If the General Clauses Act of India is not applicable to Mysore, if there is any exception made in the case of Mysore, I should understand the necessity for our having a separate Mysore General Clauses Act and making all the necessary amendments in it in order to bring it into conformity with the Act as it prevails elsewhere. I should therefore like to know from the Hon'ble the Minister for Law whether there is any necessity for having our own General Clauses Act any longer.

Sri A. G. RAMACHANDRA RAO.—There is no doubt about this that the Indian General Clauses Act has full force in Mysore ; but apart from the Acts of the Central Legislature applying to India, there is supplemental legislation as you might call

(SRI A. G. RAMACHANDRA RAO.)

it or legislation independent of that, which is appicable in Mysore and in order to facilitate the reading of those very Acts, some nominal changes are made in conformity with the General Clauses Act. For instance, 'Central Act' shall mean 'an Act of Parliament'. In the previous legislation applicable to Mysore only about which there is no Central legislation the term 'Central Act' is used. It means according to the present Bill 'An Act of Parliament'. Similarly, another reference was made. 'An Act made before such commencement by the Governor-General in Council or the Governor-General acting in a legislative capacity" and it shall now mean 'the Government of India'. Again "Central Government....." In order to facilitate the reading of our own Acts and to modernise, as it were, this legislation has been brought forward.

Sri M. V. RAMA RAO.—One other point that really arises in connection with the enactment of this amendment is, after the Part-B States application of Laws Bill became law and all general enactments which determine the law of the land as enacted by the Central Legislature have become applicable to Mysore also though it is a Part-B State, has it not become very necessary to see that our legislative enactments which are so many in number and which date back into a very long time indeed need to be systematised, pruned, rationalised, amended, codified and made up-to-date and made convenient for ready reference and application so as to be free from ambiguity, either of understanding or of application so that ordinary men will know exactly what law would be applicable in a particular case? As the position really is to-day, it is exceedingly difficult even for practising lawyers to find out what exactly is the law that would apply in a particular case. Now I should like to know, firstly, why the Mysore General Clauses Act should be retained as law side by side with the Indian General Clauses Act and secondly, whether Government have under consideration any proposal to devise the requisite machinery and provide it with the necessary resources for undertaking the other work that I referred to, that is, of making our legislation conform to the position created by the enactment of the Part-B States Application of Laws Act. If we can have an assurance from the Hon'ble the Law Minister that our Mysore enactment will be looked into carefully, and that very swiftly, in order to enable a rational and convenient codification to be made, then I should leave the matter there; but I should like the Hon'ble the Law Minister to tell the House the particular reasons why the Mysore General Clauses Act should still be retained side by side with the Indian General Clauses Act.

Sri A. G. RAMACHANDRA RAO.—I will answer that specific point first. The Indian General Clauses Act applies to the Central Acts and apart from the Central Acts we have a very wide legislation even in the States. Therefore it is an Act for interpreting the Statutes. Therefore, our Acts should also be interpreted, and, wherever possible, and in fact necessary, we have applied the General Clauses Act in Mysore also, but in order to further elucidate our own Acts, the General Clauses Act of the Mysore State is necessary. Similarly in all States while having the Indian General Clauses Act, they have also got the States General Clauses Act as I may call it as a piece of legislation.

Next, a general question was put as to the necessity for systematising, codifying, and revising the State laws so as to bring them up-to-date as well as in conformity with the Central Acts. The Government have already thought about it. They have appointed a Special Officer for the purpose and they are thinking of appointing a Committee to go into

the question and do that work. A Special Officer has been appointed for the purpose. We feel that a Committee might be better and we are considering that aspect of the question.

Mr. SPEAKER.—The question is :

"That the Mysore General Clauses (Amendment) Bill, 1953, as passed by the Legislative Council, be taken into consideration."

The motion was adopted.

Mr. SPEAKER.—The Bill will now be taken up clause by clause.

Clauses 2 to 14. The question is :

"That clauses 2 to 14 stand part of the Bill."

The motion was adopted.

Clauses 2 to 14 were added to the Bill.

Mr. SPEAKER.—Clause 1. The question is :

"That clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

Mr. SPEAKER.—Title and Preamble. The question is :

"That the Title and Preamble stand part of the Bill."

The motion was adopted.

The Title and Preamble were added to the Bill.

Motion to pass.

Sri A. G. RAMACHANDRA RAO.—Sir, I beg to move :

"That the Mysore General Clauses (Amendment) Bill, 1953, as passed by the Legislative Council, be passed."

Mr. SPEAKER.—The question is :

"That the Mysore General Clauses (Amendment) Bill, 1953, as passed by the Legislative Council, be passed."

The motion was adopted.

THE EVACUEE INTEREST (SEPARATION) MYSORE SUPPLEMENTARY BILL, 1953.

Motion to consider.

Sri A. G. RAMACHANDRA RAO (Minister for Law and Education).—Sir, I beg to move :

"That the Evacuee Interest (Separation) Mysore Supplementary Bill, 1953, be taken into consideration."

Sir, in the Central Legislature, this Bill was introduced and also passed on 27th September 1951. Regarding this legislation, it is seen that it is not enough if the Central Legislature passed the Bill, but it should have the support and the consent of the States also. At first, it was thought that a resolution by various States supporting the Bill was sufficient. Accordingly on 10th November 1951, a supporting resolution was passed by this House under Article 252 of the Constitution. Similarly, other States also sent in their supporting resolutions. But it was found that the resolutions passed by the various States did not come in time or came in the form other than the correct form. Therefore, they were requested to pass this supplementary legislation in support of the Central Evacuee Separation Bill. Regarding the principle of the Bill, it has already been sufficiently discussed on the previous occasion. I may say this much. The evacuees who left the country left several dependents and relations who had interest in the property. How should such joint property be dealt with? Part of it was in the title of the gentlemen who left the country and the other part with the people who were left behind. Therefore, provision has been made in the Central Act as to how they should be divided and dealt with. In order to do this, this supplementary Bill has been put before the House for its consideration.